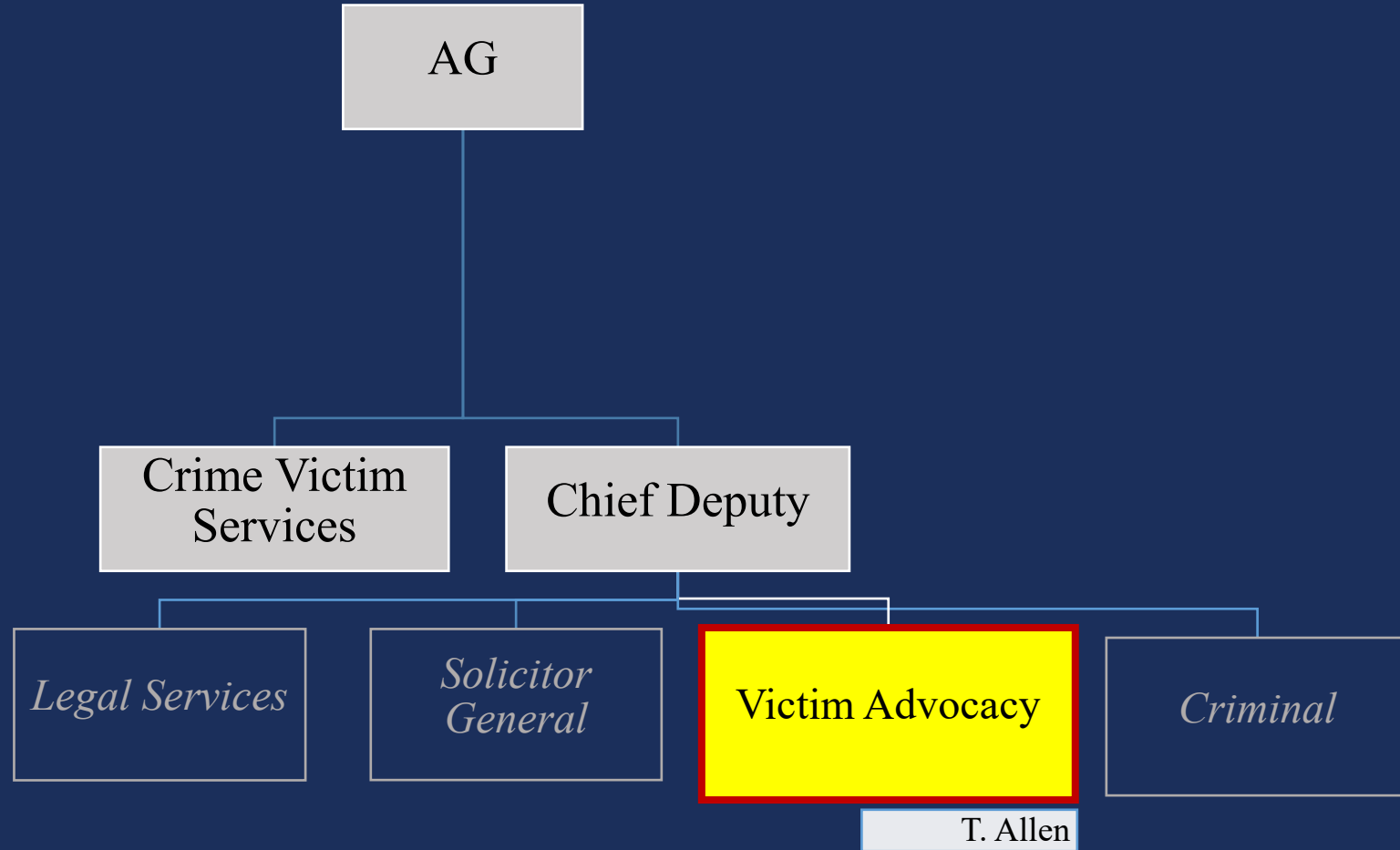




Victim Advocacy



Personnel

Trisha Allen

Director (Appeals, PCR Appeal, Prosecution, Death Penalty)

Marie Higgins

Victim Advocate (SVP, Federal Habeas)

Laura Hutchinson

Victim Advocate (PCR)

Vanessa Payton

Victim Advocate (Prosecution – General & Special, SGJ, ICAC)

Ava Thomas

Victim Advocacy Assistant

Open Position (open since February 2022)

Victim Advocate (Prosecution – General & Special, SGJ, ICAC)

NOTE:

Advocates are not assigned to specific types of crimes to avoid burnout (e.g., white collar crimes, internet crimes against children, etc.)

Personnel

	Turnover	Leave unit during year	Exit Interviews or surveys conducted?	In unit at end of year	Employee satisfaction tracked?
2016-17	40%	2	Yes	5	No
2017-18	0%	0	No	5	Yes
2018-19	20%	1	Yes	5	No
2019-20	18%	1	No	6	No

Note: During FY 2017, one staff member accepted a position outside state government, and one staff member passed away. Due to the section's small staff size, the loss of two employees resulted in a significant turnover rate.

Overview

Constitutionally and statutorily required to notify crime victims of prosecution and post adjudication matters involving the Office of the S.C. Attorney General.

NOTES:

- *Victim Advocacy Section is NOT part of Crime Victim Services Division.*
- *Victim Advocates are independent of prosecution and post-adjudication sections.*

Overview

As each Solicitor has Victim Advocates, the division provides statewide advocacy in prosecutorial matters handled by the AG's Office.

Initial Prosecution

- Notifications of bond matters
- Status updates of plea negotiations, and trials
- Accompaniment to trial/plea hearings
- Assistance in filing compensation claims

Unlike the Solicitor advocates, the division provides statewide advocacy in post-adjudication matters.

Post-Adjudication

(If desired by Victim, it is a right victim can waive)

- Status updates in the following:
 - Criminal/direct appeals
 - Post-Conviction Relief (PCR) & PCR appeals
 - Federal habeas petitions and appeals
 - Sexually Violent Predator commitment process

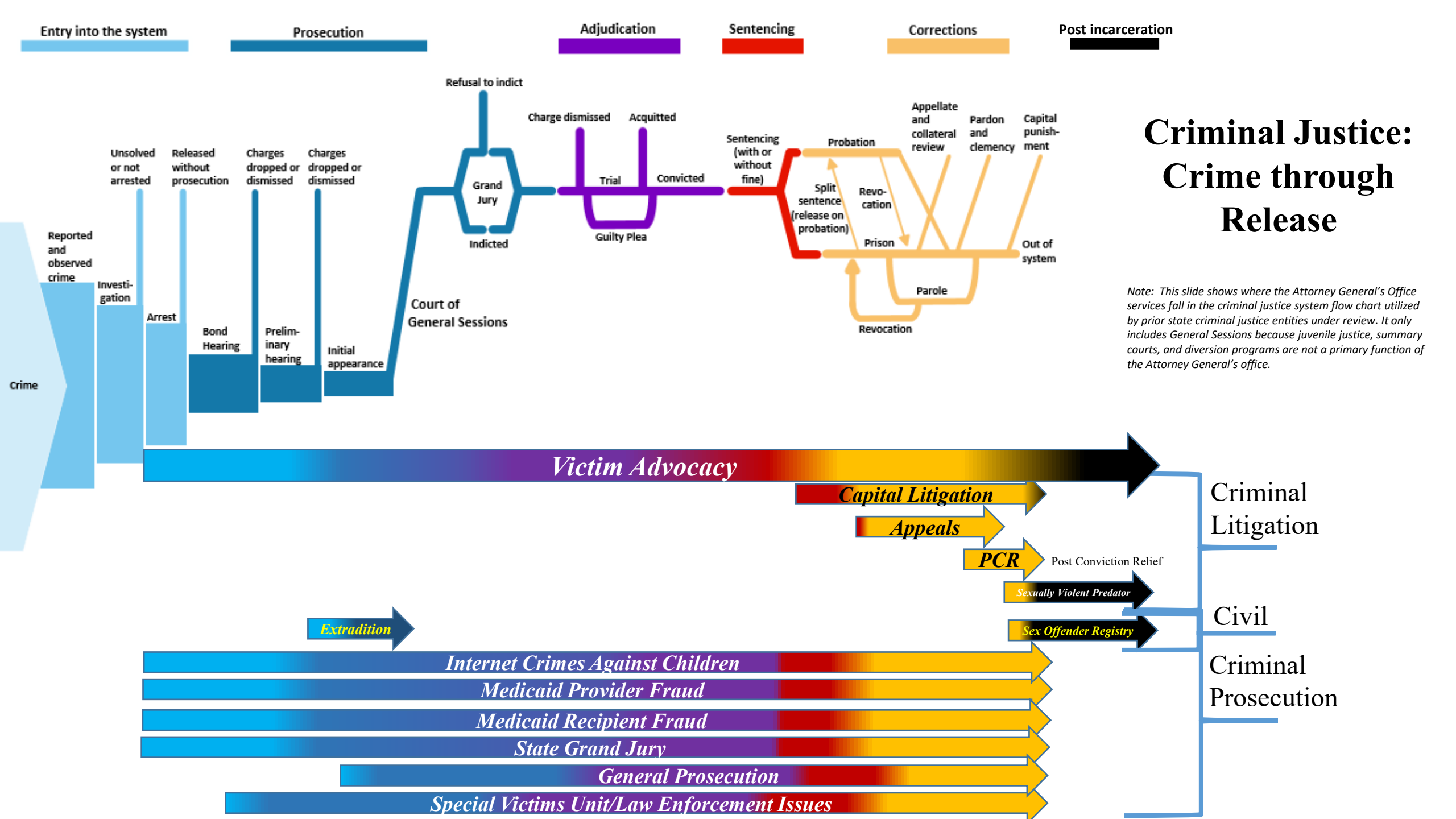
Sex Offender Registry

- Status updates to registry challenges filed in Civil Court

Overview

Additional constitutional and statutory responsibilities include:

- refer victims to the appropriate agency or resource for assistance necessary to mitigate the trauma,
- interpret legalese,
- explain the criminal justice process, and
- provide the social support victims need in a complicated criminal justice system.



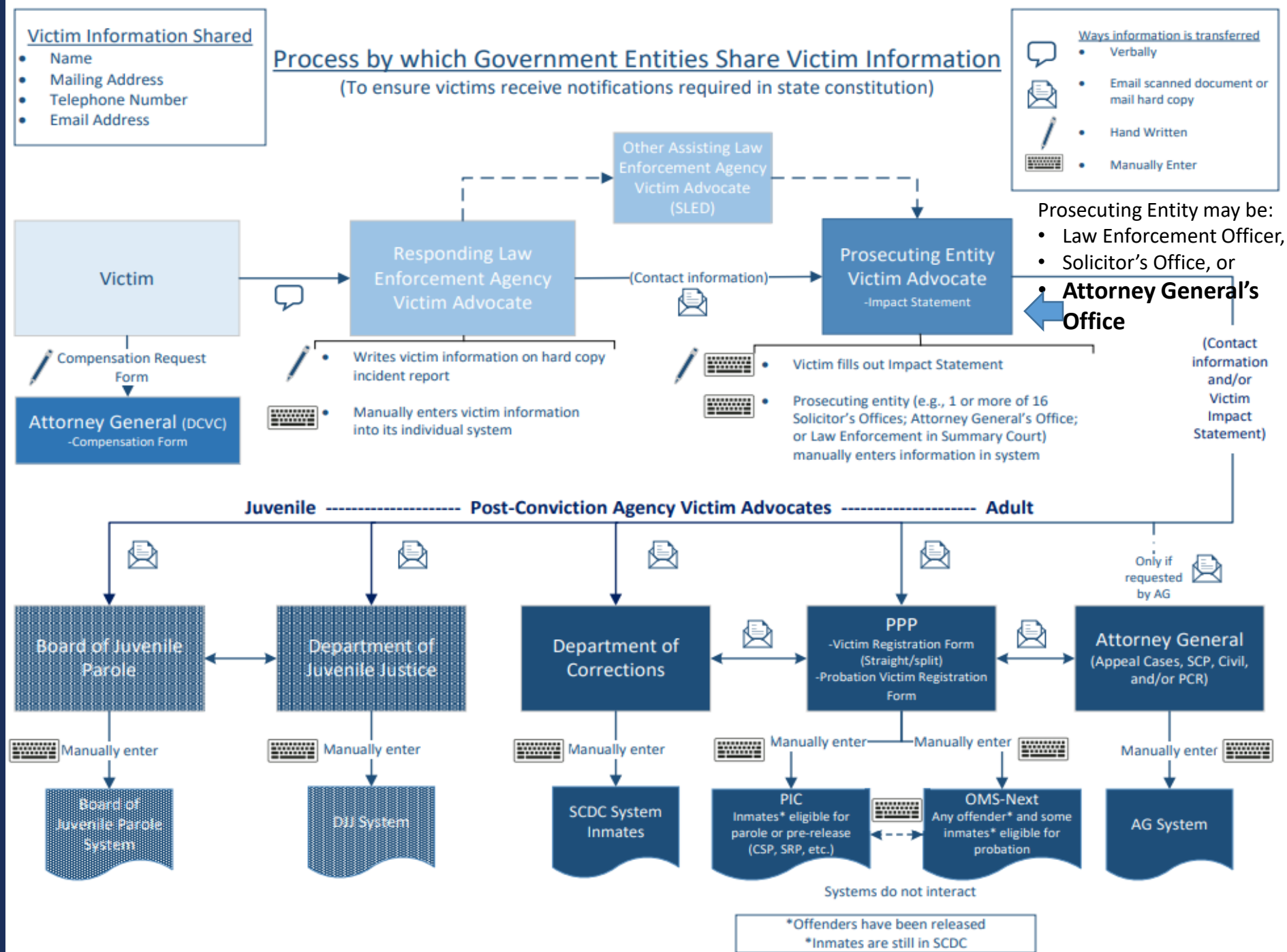
Who is a victim and how do we obtain their information?

An individual who

- suffers **direct** or **threatened**
- **physical, psychological or financial harm**
- as a result of the commission or attempted commission of a crime.

Victim also includes:

- victim's **spouse, parent or child** or
- the **lawful representative** of a victim who is
 - Deceased
 - a minor
 - Incompetent
 - physically or psychologically incapacitated



Opportunity to Increase Efficiency and Effectiveness

There is common information needed by victim advocates at each of the agencies (see S.C. Code Section 16-3-1555 and -1560)

Challenges occur because this information may change as the offender progresses through the criminal justice process.

Examples

- Victim contact information
- Victim statement
 - Statement about the impact the crime has on the individual at the time of the crime and impact the crime has had after time passes, may be different.

Note:

AG's Office is working with PPP to implement the House Legislative Oversight Committee's recommendation to research the feasibility of a central system for victim information

Advisement of Rights

Agency Service #191

Rights include but are not limited to:

- right to be treated with respect, fairness and dignity,
- right to submit a written or oral VIS in prosecutorial matters,
- right to apply for compensation through Division of Crime Victim Compensation,
- right to attend proceedings where the defendant has the right to be present,
- right to be heard in matters impacting sentence/release,
- right to receive case updates in prosecutorial (confer) and post-adjudication matters, and
- right to restitution,
- right to legal counsel for civil remedies.

Who: Victims involved in prosecutorial and post-adjudication matters handled by the AG Office

What: Advise victims of their statutory and constitutional rights to ensure their rights

	Single Unit: Advisement of victims' rights	<u>Units provided</u>	<u>Cost per unit</u>	<u>Employee equivalents</u>	<u>Total Cost of service</u>	<u>% of total agency costs</u>
<u>Does law require it:</u> Yes	2016-17	Not provided	Insufficient data	0.40	\$35,715.66	0.18%
<u>Assoc. Law(s):</u> State Constitution Article 1 Section 24 Victims' Bill of Rights; Section 16-3-1505 thru -1515; 16-3-1525; 16-3-1535; 16-3-1545 thru -1560; 16-3-2070; 17-28-50; 17-28-90; 17-28-100; 17-1-50;	2017-18	Not provided	Insufficient data	0.37	\$26,644.05	0.04%
	2018-19	Not provided	Insufficient data	0.49	\$26,514.49	0.04%
17-25-322; 17-22-80; 18 U.S.C. A	2019-20	Not provided	Insufficient data	0.49	\$34,864.68	0.05%

Provide Notice

Agency Service #190

Who: Victims involved in prosecutorial and post-adjudication matters handled by the AG Office

What: Provide victim notice of events in their case

Subject of notifications include but are not limited to:

- prosecutorial case
 - acceptance
 - motions and hearings
 - case resolution/outcome
- post-adjudication filings
 - motions and hearings
 - dispositions

Method of notification include:

- U.S. mail,
- email,
- phone conversations,
- in person meetings, and
- some text messages.

Single Unit: Victim Notifications	<u>Units provided</u>	<u>Cost per unit</u>	<u>Employee equivalents</u>	<u>Total Cost of service</u>	<u>% of total agency costs</u>	
<u>Does law require it:</u> Yes	2016-17	Not provided	Insufficient data	2.56	\$173,246.49	0.88%
<u>Assoc. Law(s):</u> State Constitution Article 1 Section 24 Victims' Bill of Rights; Section 16-3-1505 thru -1515; 16-3-1525; 16-3-1535; 16-3-1545 thru -1560; 16-3-2070; 17-28-50; 17-28-90; 17-28-100; 17-1-50; 17-25-322; 17-22-80; 18 U.S.C. A	2017-18	Not provided	Insufficient data	2.43	\$146,500.51	0.25%
	2018-19	Not provided	Insufficient data	2.84	\$142,431.70	0.21%
	2019-20	Not provided	Insufficient data	2.84	\$182,325.87	0.24%

Explain the Process

Agency Service #193

Who: Victims involved in prosecutorial and post-adjudication matters handled by the AG Office

What: Provide explanations to familiarize the victim with procedures and prepare for possible outcomes.

Explanations include but are not limited to:

- discussing appellate and prosecutorial issues with the assistance of an attorney,
- mailing briefs upon request,
- discussing courtroom procedure and protocol,
- prosecutorial process (bond, prelim, plea negotiations, trials, etc.),
- expressing the importance of completing a Victim Impact Statement and its use in post-adjudication agencies.

	Single Unit: Educating victims of criminal	<u>Units provided</u>	<u>Cost per unit</u>	<u>Employee equivalents</u>	<u>Total Cost of service</u>	<u>% of total agency costs</u>	
<u>Does law require it:</u> Yes		2016-17	Not provided	Insufficient data	0.96	\$72,320.88	0.37%
<u>Assoc. Law(s):</u> State Constitution Article 1 Section 24 Victims' Bill of Rights; Section 16-3-1505 thru -1515; 16-3-1525; 16-3-1535; 16-3-1545 thru -1560; 16-3-2070; 17-28-50; 17-28-90; 17-28-100; 17-1-50; 17-25-322; 17-22-80; 18 U.S.C. A		2017-18	Not provided	Insufficient data	0.90	\$57,008.80	0.10%
		2018-19	Not provided	Insufficient data	1.11	\$57,663.14	0.09%
		2019-20	Not provided	Insufficient data	1.11	\$76,085.36	0.10%

Accompany Victim to Hearings

Agency Service #192

Who: Victims involved in prosecutorial and post-adjudication matters handled by the AG Office

What: Offer/provide victim court accompaniment

Challenges include:

- Making a reasonable effort to provide victims/witnesses waiting areas separate from those of the defendant
- Traveling statewide for prosecution and PCR proceedings

Court accompaniment includes but is not limited to:

- prosecutorial hearings
 - bond,
 - motions,
 - plea,
 - trials;
- post-adjudication hearings
 - Appeal hearings – SC Court of Appeals and SC Supreme Court
 - Post-Conviction Relief (PCR) hearings - all counties
 - PCR appeal hearings – SC Court of Appeals & Supreme Court,
 - Federal habeas matters - US District Court, 4th Circuit Court of Appeals and US Supreme Court,
 - Sexually Violent Predator hearings - all counties.

	Single Unit: Victim court accompaniment	Units provided	Cost per unit	Employee equivalents	Total Cost of service	% of total agency costs	
Does law require it: Yes		2016-17	Not provided	Insufficient data	1.14	\$73,461.20	0.37%
Assoc. Law(s): State Constitution Article 1 Section 24 Victims' Bill of Rights; Section 16-3-1505 thru -1515; 16-3-1525; 16-3-1535; 16-3-1545 thru -1560; 16-3-2070; 17-28-50; 17-28-90; 17-28-100; 17-1-50; 17-25-322; 17-22-80; 18 U.S.C. A		2017-18	Not provided	Insufficient data	1.05	\$61,634.38	0.10%
		2018-19	Not provided	Insufficient data	1.30	\$57,553.97	0.09%
		2019-20	Not provided	Insufficient data	1.30	\$76,204.71	0.10%

Intercede on behalf of Victim

Agency Service #195

Who: Victims involved in prosecutorial and post-adjudication matters handled by the AG Office

What: Intercede on behalf of victim

Intercession includes but is not limited to:

- interceding or seeking special consideration from victim's employer, school, or landlord;
- advising the court if a victim or witnesses deserves special consideration (e.g., very young, elderly, handicapped or who have special needs).

			<u>Units provided</u>	<u>Cost per unit</u>	<u>Employee equivalents</u>	<u>Total Cost of service</u>	<u>% of total agency costs</u>
<u>Does law require it:</u> Yes	Single Unit:						
	Victim intercession	2016-17	Not provided	Insufficient data	0.14	\$10,630.60	0.05%
		2017-18	Not provided	Insufficient data	0.14	\$7,414.09	0.01%
		2018-19	Not provided	Insufficient data	0.16	\$7,360.58	0.01%
		2019-20	Not provided	Insufficient data	0.16	\$11,416.48	0.01%
<u>Assoc. Law(s):</u> State Constitution Article 1 Section 24 Victims' Bill of Rights; Section 16-3-1505; 16-3-1510; 16-3-1515; 16-3-1525; 16-3-1535; 16-3-1545; 16-3-1550; 16-3-1555; 16-3-2070							

Referral to Appropriate Services

Agency Service #194

Who: Victims involved in prosecutorial and post-adjudication matters handled by the AG Office

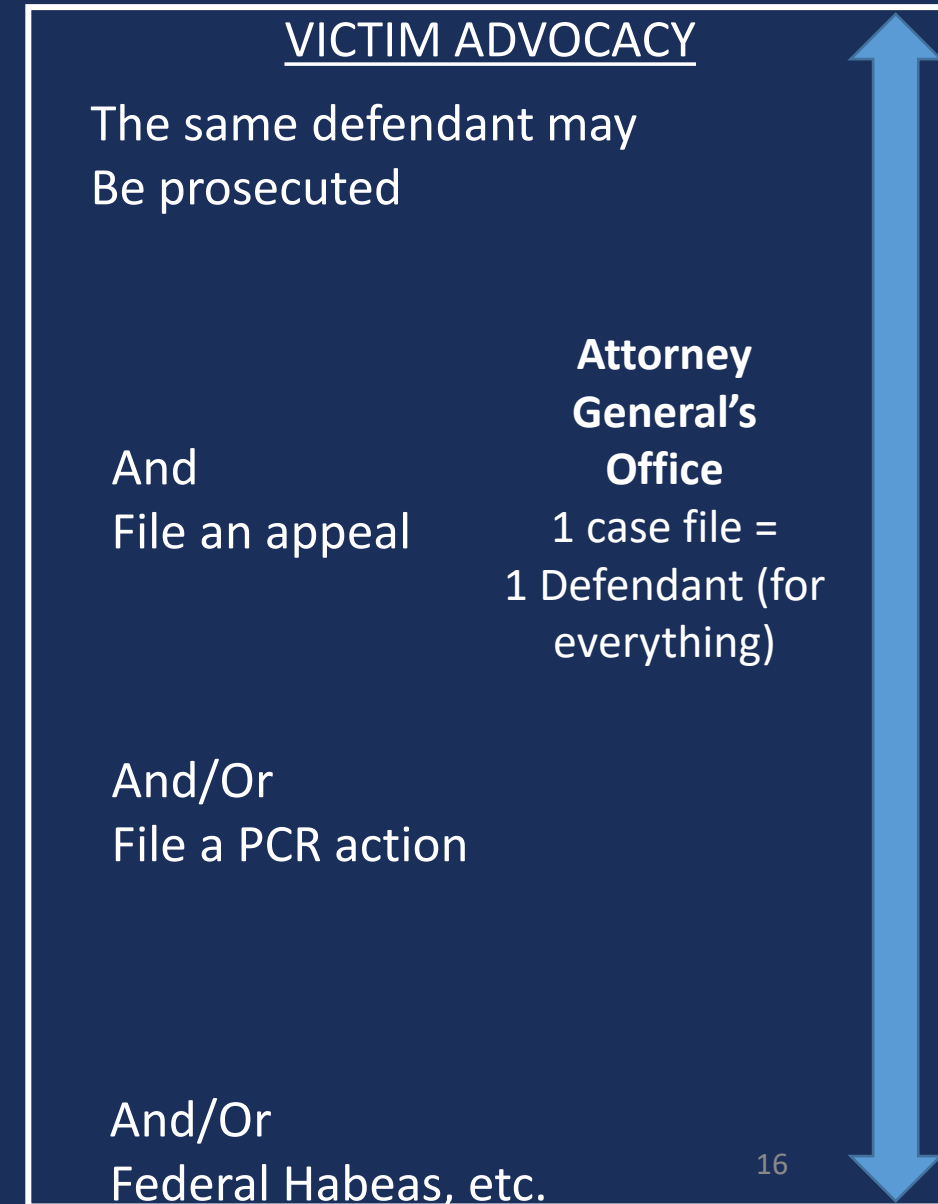
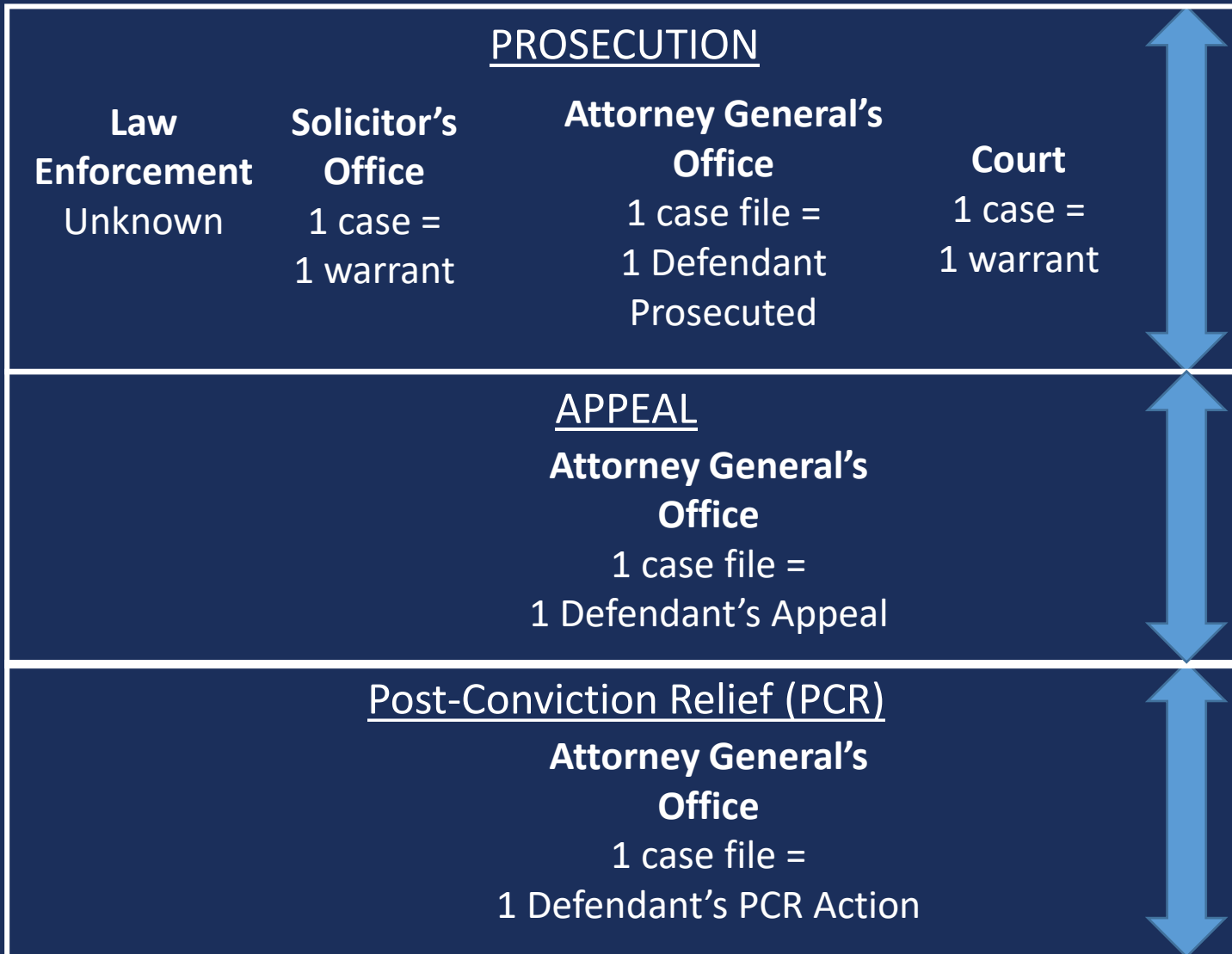
What: Refer to appropriate services; assist in completing compensation application and forwarding the application to Division of Crime Victim Compensation.

Referral services include but are not limited to:

- victim services providers to mitigate trauma (both mental & medical services),
- options for civil remedies,
- advocacy agencies,
- social service agencies and
- state, county, or city agencies (Solicitor's Office, SCDC Victim Services, PPP Victim Services).

Single Unit: Victim referrals for appropriate services		<u>Units provided</u>	<u>Cost per unit</u>	<u>Employee equivalents</u>	<u>Total Cost of service</u>	<u>% of total agency costs</u>
<u>Does law require it:</u> Yes <u>Assoc. Law(s):</u> State Constitution Article 1 Section 24 Victims' Bill of Rights; Section 16-3-1505; 16-3-1510; 16-3-1525; 16-3-1535; 16-3-1545; 16-3-1550; 16-3-1555; 16-3-2070	2016-17	Not provided	Insufficient data	0.37	\$23,367.00	0.12%
	2017-18	Not provided	Insufficient data	0.39	\$22,797.55	0.04%
	2018-19	Not provided	Insufficient data	0.44	\$23,204.00	0.03%
	2019-20	Not provided	Insufficient data	0.44	\$36,676.34	0.05%

Crime Victim Served: What is a file or case?



Crime Victims Served

Challenge in ability to quantify work performed:

The current database does not track the number of:

- notices provided to victims
- discussions advocates have with victims regarding their rights in cases involving the office
- hearings staff accompany victims
- case updates and explanations of the systems advocates provide to victims
- referrals provided to victims
- intercessions made on behalf of victims

The division uses the same computer file for an offender; therefore, the computer file is repeatedly opened and closed as the offender pursues different filings.

Crime Victims Served

The following are number of defendants who have been involved in the files of one or more of the AG's other sections (e.g., prosecution, appeals, PCR, SVP, etc.), in which there is a victim. Numbers do not reflect the number of cases opened and closed during the fiscal year, just as of the date noted.

As of 8/5/17: Cases open = 3,659

- Associated victims = 8,536*
 - Victim number listed was incorrect because one case with over a 1,000 victims was mistakenly not included

8/10/18: Cases open = 3,649

- Associated victims = 10,633

8/1/19: Cases open = 3,801

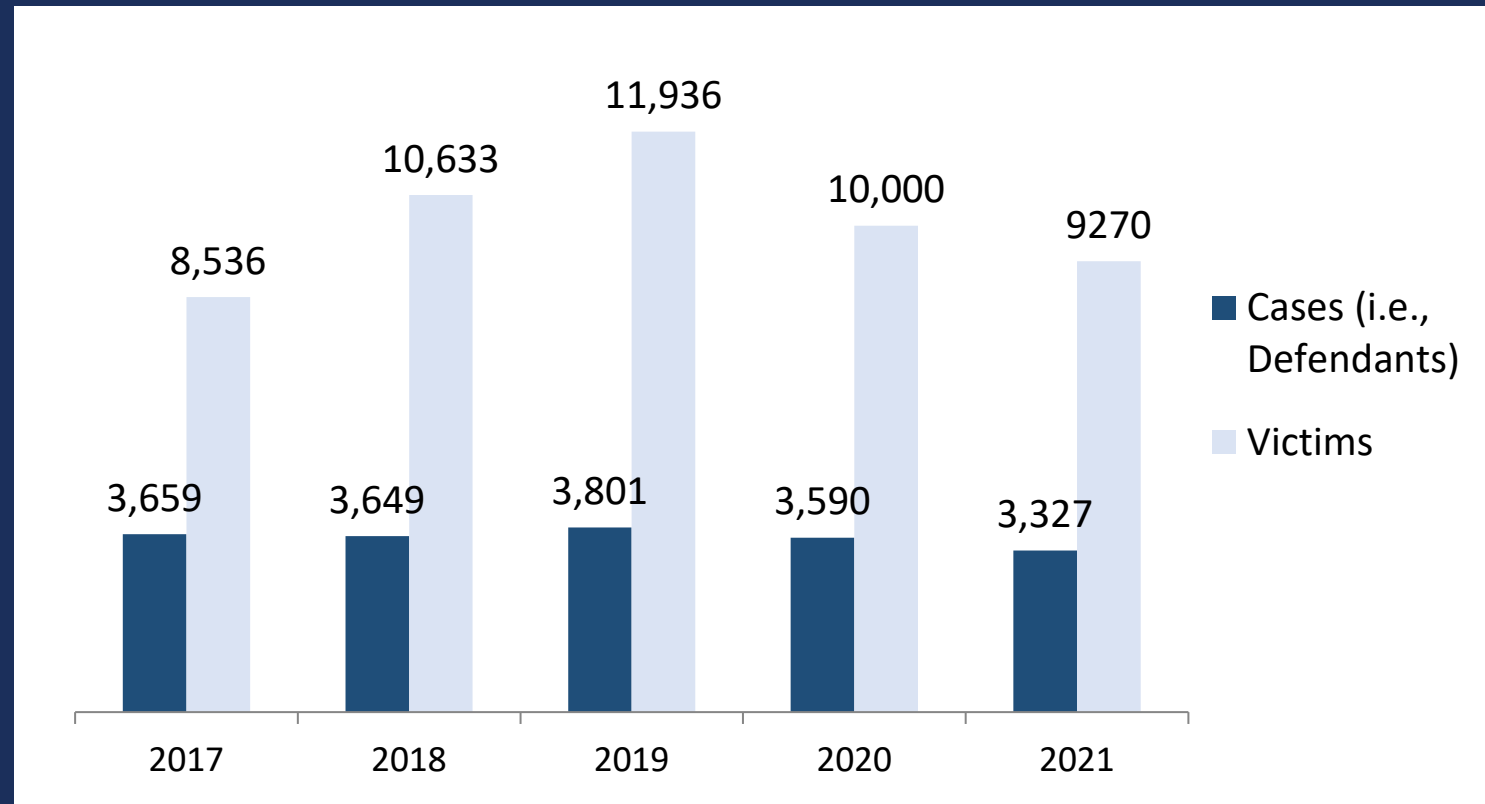
- Associated victims = 11,936

8/1/20: Cases open = 3,590

- *Approximate* victims = 10,000

8/1/21: Cases open = 3,327

- Associated victims = 9,270



Successes and Concerns

Successes

- Notification/Support in a large caseload with a small staff
- Qualified advocates with many years of experience
- Cross trained to handle the variety of cases
- Appellate Review Committee Inclusion
- Training of other advocates & professionals (Solicitor's Conference, Prosecution Coordination Commission training, Victim's Rights Week)

Concerns

- Increase in staff to maintain notification provided with dignity and respect / compliant with statutory & constitutional rights (Surge in movement after COVID closure and increase in other divisional staff)
- Need adequate database – need ability to email notifications; need the ability to show amount of work product produced by staff
- Unknown impact with new Sex Offender Registry Law in relation to cases prosecuted by office and civil division
- Vicarious Trauma